

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on March 26, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Edward Butcher (R)
Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:
Executive Action: HB 452, HB 90

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EXECUTIVE ACTION ON HB 452

David Niss explained amendment HB045202.ash
EXHIBIT (sts68a01) would make the bill more compatible due to the creation of the terms "DROP benefit" and "DROP period".

Motion/Vote: SEN. BOHLINGER moved that **AMENDMENT HB045202.ASH BE ADOPTED**. Motion carried unanimously.

Motion/Vote: SEN. FRANKLIN moved that HB 452 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

HB 90

Motion: SEN. BOHLINGER moved to RECONSIDER HB 90 BE ADOPTED.

Discussion:

SEN. JOHN BOHLINGER told the committee REP. JIM SHOCKLEY requested that HB 90 be reconsidered for the purpose of discussion.

SEN. DON HARGROVE agreed it would be worthwhile to reconsider the bill.

Rose Hughes, Consulting Engineers Council, presented EXHIBIT (sts68a02) the committee with an explanation of a possible amendment.

Haley Beaudry, Board of Professional Engineers and Land Surveyors, told the committee HB 90 was contrary to the system of professional engineers designing public facilities. He added the bill was not acceptable.

SEN. BOHLINGER told Haley Beaudry that at the previous hearing, Brian Hendrik offered testimony. He had referred to himself as a certified technician. SEN. BOHLINGER asked what the certification was. Haley Beaudry responded there was a level 3 certification for the NICET technicians. He added those technicians were used for installing the systems, not designing the systems. Mr. Beaudry quoted from the NICET preamble, stating that the NICET technicians must perform under the control of the professional engineer.

SEN. BOHLINGER referred to the previous testimony when it was stated that architects often simply stamped "sprinkle as required" on the project. Haley Beaudry replied that stamp was an instruction to someone to do it "as required". The meaning of "as required" had to be calculable, he said.

SEN. EVE FRANKLIN asked Haley Beaudry if there had been some laxity in the area of stamping "sprinkle as required" on the projects. Mr. Beaudry answered if an engineer stamped the

project, that said the engineer had designed the plan. He added it had to have a stamp on it to be a public building.

SEN. HARGROVE asked **Haley Beaudry** if there was a rule committee that worked on this. **Mr. Beaudry** responded there had been a rule committee and this bill was the result of that committee.

SEN. HARGROVE told the committee apparently the rule committee approved of this bill and apparently they had gone through the process.

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Rosie Hughes told the committee there had been a negotiating rule committee, however, she felt the material included in the bill was not what the rule making committee had come up with.

SEN. BOHLINGER told **Haley Beaudry** one of the proponents at the hearing was **Pat Clinch, representing the Montana Fire Fighters.**

SEN. BOHLINGER asked why **Mr. Clinch** would have supported this bill if it was not right. **Mr. Beaudry** responded it was his opinion that **Mr. Clinch** had misunderstood the bill.

Vote: Motion that **RECONSIDER HB 90 BE ADOPTED** carried 2-1 with **Franklin** voting no.

David Niss explained to the committee amendments that would need to be added to this bill. He said on page 1, line 18, the words "technologies" in order to refer to the people as NICET graduates. **Mr. Niss** continued on page 2, line 24, the words "or registration" needed to be inserted.

Motion/Vote: **SEN. BOHLINGER** moved that **AMENDMENTS DAVID NISS EXPLAINED BE ADOPTED.** Motion carried unanimously.

David Niss told the committee the amendments proposed by **Rose Hughes** would add to what the board was required to adopt by rule language to the extent of the review by the engineer of the plans developed by the NICET technicians.

SEN. HARGROVE said that would seem to put the responsibility on the board.

SEN. FRANKLIN stated she felt the responsibility should lie with the board.

David Niss explained to the committee the second amendment from **Rose Hughes** would strike all of page 1, line 30, through page 2, line 6. He said this would take out any reference to putting into the register any non-NICET people and would also remove from the bill any reference to those lines.

SEN. HARGROVE asked if the inclusion of the NICET technicians imply that they could do the certification. **David Niss** answered, no, their ability was included on page 1, lines 18 & 19.

SEN. BOHLINGER told the committee it would be poor public policy to allow non-certified technicians to design the fire sprinkler systems. He said it was important to remove the house amendments from the bill.

Motion/Vote: **SEN. BOHLINGER** moved that **AMENDMENT FROM ROSE HUGHES and TO STRIKE THE AMENDMENTS ADDED IN THE HOUSE BE ADOPTED.**
Motion carried unanimously.

David Niss explained the amendment only required the board to adopt rules on the extent of supervision by a professional engineer. He added that, inferentially, it required the Board of Professional Engineers to allow any professional engineer to review, rather than do the design themselves.

Haley Beaudry responded there was a contradiction within the rules of the board itself. He added, specifically, the rules of engineering prohibited engineers from signing off on work that they did not have direct oversight.

SEN. KEN TOOLE told the committee he did not like the bill.

SEN. FRANKLIN asked **Haley Beaudry** if there were other arrangements in statute addressing the relationship between the engineers and the technicians, allowing them to operate as this bill would allow. **Mr. Beaudry** responded, yes, there were a few. He added in those states, the state fire marshal licensed the NICET technicians.

Motion/Vote: **SEN. BOHLINGER** moved that **HB 90 BE CONCURRED IN AS AMENDED.** Motion failed 4-4 with Franklin, Toole Elliott, and Ekegren voting NO.

ADJOURNMENT

Adjournment: 11:30 A.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts68aad)